

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

TARVISIUM HOLDINGS, LLC, and
45N12E, LLC,

Plaintiffs/Counter Defendants,

v.

DUKAT, LLC,
36LOWER, INC.,
ELLIOTT KATTAN, and
BEN SCHWARTZ,

Defendants/Counter Plaintiffs,

v.

ANA PIEROPAN, and
MICHELE PIEROPAN,

Third-Party Defendants.

No. 4:19-CV-0086-DGK

ORDER REGARDING SUGGESTION OF BANKRUPTCY

This lawsuit arises from Plaintiffs' purchase of an e-Commerce business from Defendant Dukat, LLC ("Dukat"). Plaintiffs allege that Defendants used unlawful methods to induce Tarvisium to buy the business, including misrepresenting the company's financial health during negotiations by inflating the company's historical sales and profitability. Defendants have counterclaimed against Plaintiffs and their principals for breach of the sales agreement by failing to make payments on promissory notes to buy the business.

Now before the Court is Dukat's Suggestion of Bankruptcy. ECF No. 240. While the bankruptcy filing automatically stays the litigation with respect to Dukat, it does not automatically stay it with respect to the other litigants. Further potentially complicating matters, Dukat was also a counter plaintiff.

The Court invites the parties to submit their views on the matter. Any party who wishes to submit his, her, or its views on whether the Court should stay the entire case, or just stay the case with respect to Dukat, may file a short brief, not to exceed five pages, on or before July 30, 2021. Any party may file a reply brief, not to exceed five pages, on or before August 13, 2021.

IT IS SO ORDERED.

Date: July 16, 2022

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT